

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIAM A. SNYDER,

Plaintiff,

v.

**DECISION
and
ORDER**

03-CV-902E(F)

SUPERINTENDENT McGINNIS,
SGT. CUTLER, SGT. OSBOURN,
C.O. COLLINS, C.O. KAMAS, C.O. SHELLY, and
IGRC REP. W. CIANCIO,

Defendants.

In this *pro se* § 1983 action based on claims of excessive force, retaliation, failure to protect, deliberate indifference to Plaintiff's medical needs, filing false misconduct reports, Plaintiff moves (Doc. No. 24) to compel document discovery. Defendants opposed the motion by Declaration of Stephen F. Gawlik, Assistant Attorney General, dated July 22, 2005 (Doc. No. 28) ("Gawlik Declaration"). For the reasons stated in the Gawlik Declaration, Plaintiff's motion is GRANTED, in part and DENIED, in part.

Given the nature of Plaintiff's claims the court finds the following documents are relevant and production not burdensome:

(1) Documents showing complaints of excessive force against Defendants occurring within five years prior to Plaintiff's allegations and resulting in disciplinary action against any Defendant.

(2) Reports or recommendations directed to the need for major repairs and maintenance at an infirmary or similar facility at Southport Correctional Facility within two years prior to Plaintiff's allegations relating to Plaintiff's deliberate indifference claim.

- (3) Documents relating to Plaintiff's failure to protect claim.
- (4) Documents relating to Plaintiff's retaliation and false report claims against Defendants.

Copies of such documents, if any, shall be served on Plaintiff and filed with the court within 30 days of service of this Decision and Order.

CONCLUSION

Based on the foregoing, Plaintiff's motion (Doc. No. 24) is GRANTED, in part and DENIED, in part.

SO ORDERED.

/s/ Leslie G. Foschio

LESLIE G. FOSCHIO
UNITED STATES MAGISTRATE JUDGE

Dated: September 19, 2005
Buffalo, New York